

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JIMMEY LEE LAMBERT,

Petitioner,

v.

CIVIL ACTION NO. 2:21-cv-00260

DONALD AMES,

Respondent.

MEMORANDUM OPINION AND ORDER

On April 21, 2021, the Petitioner, proceeding *pro se*, filed a *Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241* (Document 1). Currently pending in the matter are the Petitioner's *Motion for Preliminary Injunction* (Document 3) and *Motion for Certification of Class Action Representative* (Document 4), both also filed on April 21, 2021.


By *Standing Order* (Document 5) entered on April 23, 2021, this action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On January 13, 2022, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 8) wherein it is recommended that the Petitioner's *Motion for Preliminary Injunction* (Document 3) and *Motion for Certification of Class Action Representative* (Document 4) be denied without prejudice. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by January 31, 2022.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Petitioner's *Motion for Preliminary Injunction* (Document 3) and *Motion for Certification of Class Action Representative* (Document 4) be **DENIED without prejudice**.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Tinsley, counsel of record, and any unrepresented party.

ENTER: February 7, 2022


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA